



#33

9200

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Attorney Docket No. 555255012125

Group Art Unit: 2153)
Examiner: Edelman, Bradley)
Inventor: Major et al.)
Serial No.: 09/545,962)
Filed: April 10, 2000)
For: Notification System and Method for a)
Mobile Data Communication Device)

**PETITION TO WITHDRAW
HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181(a)**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C., 20231 December 4, 2002

By Angie Kotter

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Attention: Office of Petitions
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants hereby petition to withdraw the holding of abandonment set forth in the notice of abandonment mailed on November 4, 2002 for the reasons stated

below. Although this petition does not require a fee, MPEP 711.03(c), nevertheless the Commissioner is hereby authorized to charge any fees associated with this petition and any accompanying papers to Jones, Day, Reavis & Pogue's Deposit Account No. 50-1432, account 555255-012125.

Pursuant to MPEP 711.03(c) and 37 CFR 1.181(a), applicants hereby request withdrawal of the holding of abandonment of this application on the grounds that the Notice of Allowability mailed on June 26, 2002, was not received by the attorney for the applicants, and therefore the issue fee was not timely paid, leading to the issuance of the Notice of Abandonment on November 4, 2002. A copy of the Notice of Abandonment is attached hereto as Tab 1. Applicants respectfully assert that the application is not in fact abandoned because the applicants representative did not receive the original Notice of Allowability.

As required by MPEP 711.03(c), applicants enclose proof to establish nonreceipt of an office communication in the form of the practitioner statement attached at Tab 2. In the statement, the practitioner states that the office communication, the Notice of Allowability, was not received by the practitioner and attests to the fact that a search of the file jacket and docket records indicates that the office communication was not received. A copy of the docket record where the nonreceived office communication would have been entered had it been received and docketed is attached to and referenced in the practitioner's statement. The practitioner's statement is deemed by the applicants to be sufficient proof of the nonreceipt of the Notice of Allowability.

Therefore, withdrawal of the holding of abandonment of this application is believed to be proper and respectfully requested. Applicant additional requests that a new Notice of Allowability be mailed.

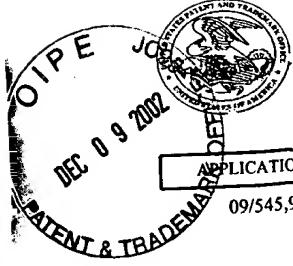
Respectfully submitted,

JONES, DAY, REAVIS & POGUE
Attorneys for Applicants

Date: 12/4/02

By: 
David B. Cochran
Reg. No. 39,142

North Point
901 Lakeside Ave.
Cleveland, Ohio 44114



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,962	04/10/2000	Harry Major	555255012125	3247

7590 11/04/2002

David B Cochran Esq
Jones Day Reavis & Pogue
North Point
901 Lakeside Avenue
Cleveland, OH 44114

EXAMINER

EDELMAN, BRADLEY E

ART UNIT PAPER NUMBER

2153

DATE MAILED: 11/04/2002

P A 31

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

NOV 8 2002

DOCKETED



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/545, 962

EXAMINER

ART UNIT	PAPER NUMBER
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P-#31

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- Applicant's failure to timely file a proper response to the Office letter mailed on _____.
- A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.
- A proposed response was received on _____, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).)

- No response has been received.
- Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

- The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.
- The issue fee has not been received.

- Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- The proposed new formal drawings filed _____ are not acceptable.
- No proposed new formal drawings have been received.
- The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.
- The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- The reason(s) below:

ABANDONMENT
CONTACT PERSON IS:
TOM HAWKINS
305-8380



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 555255012125

Group Art Unit: 2153)
Examiner: Edelman, Bradley)
Inventor: Major et al.)
Serial No.: 09/545,962)
Filed: April 10, 2000)
For: Notification System and Method for a)
Mobile Data Communication Device)

**PRACTITIONER STATEMENT
IN SUPPORT OF
PETITION TO WITHDRAW
HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181(a)**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 December 4, 2002.

By Wayne Cochran

PRACTITIONER STATEMENT OF DAVID B. COCHRAN

I hereby declare and state as follows:

1. I represent Research In Motion Ltd., the assignee, in connection with the above-referenced patent application. I am the practitioner who drafted, filed and is prosecuting this patent application.
2. On March 29, 2002, I mailed a Request for Continuing Examination, along

with an Amendment, to the United States Patent and Trademark Office in this application.

3. Subsequently, on November 4, 2002, I received a Notice of Abandonment.

4. Between March 29, 2002 and November 4, 2002, I did not receive any correspondence in this application from the United States Patent and Trademark Office.

5. Following receipt of the Notice of Abandonment, one of my associates contacted the Examiner in charge of this application, Bradley Edelman, who indicated that a Notice of Allowability had been mailed out on June 26, 2002.

6. I did not receive the Notice of Allowability.

7. I immediately initiated a search of the File Jacket for this application maintained in my office and did not find the Notice of Allowability.

7. I also initiated a search of the computerized docket records maintained in my office and determined that the docket record for this application indicated that the Notice of Allowability was never received. A marked up copy of this docket record is attached hereto as Tab 3. The position in the docket entries marked with the letter A is where the indication would have been made in the normal course of our business if the Notice of Allowability had been received. The entry marked with the letter B shows the mailing of the RCE with Amendment on March 29, 2002. The text marked with the letter C further demonstrates that between March 29, 2002 and November 4, 2002, no correspondence regarding the Notice of Allowability was received, as this would have been further noted in this Remarks section of the docket entry.

8. I hereby declare that all statements made herein of my own knowledge are

true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and the such willful false testimony may jeopardize the validity of the application or any patent issuing thereon.

Date: 12/4/02

By: David B. Cochran
David B. Cochran
Reg. No. 39,142

North Point
901 Lakeside Ave.
Cleveland, Ohio 44114



Country Applications

CAM Number:	555255	012	125	Family Number:	555255012073
Client:	Research In Motion Limited			SubCase:	001
Country:	US	United States of America			
Case Type:	RCE	Application Status:			Pending
Applicant:	Major et al.			Tax:	LE
Examiner Name:	Edelman, B			Filing Date:	10-Apr-2000
Application Number:	09/545962			Issue Date:	
Patent Number:				Publication Date:	
Publication Number:				Expiration Date:	
Art Number:	2153			Date Recorded:	29-Aug-2000
Abandon Date:				Effective Date:	
Priority:	<input checked="" type="checkbox"/>			Frame:	0750-755
Priority:	<input checked="" type="checkbox"/>			Reel:	01108
Annuity Service:				Agent Ref #:	
Agent:	JDRPO	Jones, Day, Reavis & Pogue			CPI No: 7773
Action(s) Due	Due Date	Indicator	Action Taken	Response Sent	
Information Disclosure Stmt	10-Jul-2000	Due Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SUPPLEMENTAL IDS MLD TO	03-Aug-2000	Due Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
RESP TO NTC TO FILE MISSIN	16-Aug-2000	Final	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
ASSIGNMENT MAILED TO PTO	29-Aug-2000	Due Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
FILING RECEIPT ISSUED	14-Sep-2000	Due Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
RESPONSE MISSING PARTS W	16-Sep-2000	Due Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Foreign Filing Reminder	10-Oct-2000	Due Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
FOREIGN CONVENTION 3 MON	10-Jan-2001	Due Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
SUPPLEMENTAL IDS MLD TO	07-Feb-2001	Due Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
FORMAL DRAWINGS MLD TO P	05-Apr-2001	Due Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Foreign Filing Due	10-Apr-2001	Final	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
2ND CERTIFIED COPY RCVD?	11-May-2001	Due Date	<input type="checkbox"/>	<input type="checkbox"/>	
AMENDMENT DUE	24-Jul-2001	Due Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	22-Aug-2000
AMENDMENT W/1ST EXT DUE	24-Aug-2001	Due Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	22-Aug-2000
AMENDMENT AFTER FINAL DU	27-Jan-2002	Due Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	29-Mar-2000
AMENDMENT AFTER FINAL DU	27-Feb-2002	Due Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	29-Mar-2000
APPEAL	27-Mar-2002	Due Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	29-Mar-2000
AMENDMENT AFTER FINAL W/	29-Mar-2002	Due Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	29-Mar-2000
AMENDMENT/RCE FILED	22-Apr-2002	Due Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	29-Mar-2000
STATUS INQUIRY	27-Apr-2002	Due Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	29-Mar-2000
AMENDMENT AFTER FINAL W/	27-May-2002	Due Date	<input checked="" type="checkbox"/>	<input type="checkbox"/>	29-Mar-2000
AMENDMENT AFTER FINAL W/			<input checked="" type="checkbox"/>	<input type="checkbox"/>	29-Mar-2000

B





Country Applications

OFFICE ACTION RCVD?	29-Sep-2002	Due Date
NOTICE OF ABANDONMENT IS	04-Nov-2002	Due Date
OFFICE ACTION ISSUED?	29-Dec-2002	Due Date
EXPIRATION DATE	10-Apr-2020	Final

<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
<input type="checkbox"/>		<input checked="" type="checkbox"/>
<input type="checkbox"/>	29-Mar-200	<input type="checkbox"/>
<input type="checkbox"/>		<input type="checkbox"/>

(A)

Assignee 1: Research In Motion Limited

Assignee 2:

Status Rmk: [Notification Method In A Redirector]

4/16/2001 Request For Certified Copy of Application as Filed received in U.S. PTO; await certified copy; 4/24/2001 Office Action issued; 7/23/2001 Supplemental IDS and PTO-1449 rcvd in U.S. PTO; 7/24/2001 Supplemental IDS and PTO-1449 rcvd in U.S. PTO [citing art recited in an Office Action recently issued in a co-pending application]; 8/20/2001 Supplemental IDS and PTO-1449 rcvd in U.S. PTO [citing art recited in an Office Action recently issued in a co-pending application]; 8/24/2001 Supplemental IDS and PTO-1449 rcvd in U.S. PTO [citing art recited in an Office Action recently issued in a co-pending application]; 8/24/2001 Response w/ Petition For One Month Extension of Time rcvd in U.S. PTO; 9/21/2001 Supplemental IDS and PTO-1449 rcvd in U.S. PTO [citing art from Litigation case]; 10/1/2001 Supplemental IDS and PTO-1449 rcvd in U.S. PTO [citing recently rcvd art from a Litigation case]; 11/27/2001 Office Action (final rejection); 12/18/2001 Supplemental IDS and PTO-1449 rcvd in U.S. PTO [citing art recited in International Search Reports]; 1/9/2002 Supplemental IDS and PTO-1449 rcvd in U.S. PTO [citing art recited in a European case]; 1/15/2002 Supplemental IDS and PTO-1449 rcvd in U.S. PTO [citing art recited in a European case]; 3/1/2002 Supplemental IDS and PTO-1449 rcvd in U.S. PTO [citing art recited in a European case];

3/29/2002 Request for Continued Examination, Amendment, IDS (citing art from invitation to pay additional fees/partial int'l search) and Petition for Two-Month Extension mailed to P TO - rcvd 4/10; 4/4/2002 Supplemental IDS and PTO-1449 rcvd in U.S. PTO [citing art recited in corresponding U.S. case]; 5/10/2002 Supplemental IDS and PTO-1449 rcvd in U.S. PTO [citing art from Litigation case]; 9/3/2002 Supplemental IDS and PTO-1449 rcvd in U.S. PTO [citing art from list rcvd by J. Sauer]; 11/4/2002 Notice of Abandonment (for failure to pay issue fee) rcvd; 11/8/2002 J. Sauer spoke with Examiner - notice of allowance was mailed (but we didn't receive it); awaiting further action

(C)

Priority Rmk: Priority claimed on U.S. Serial No. 09/087,623, filed May 29, 1998

UserID: jp259360 Date Created: 4/10/00 Last Update: 11/8/02